

REMARKS

Claims 1-10 are pending. Claims 1 and 5 are independent. Claims 1 and 6 have been amended. Support for the amendment to claims 1 and 6 can be found, *inter alia*, on pages 8 and 12 and FIG. 6. The following is Applicants response to the Official Action dated July 25, 2003.

Initially, Applicants thank the Examiner for the interview of October 17, 2003.

Specification

With respect to the Examiner's objection to the Specification, Applicants assert that the objection is now moot given the amendment to the Specification. Applicants assert that support for the amendment can be found, *inter alia*, in FIG. 6 and on pages 10-30. No new matter has been added.

Rejection Under 35 USC § 102

Claims 1-10 were rejected under 35 U.S.C. §102(b) as being anticipated by the article entitled "Design of a Fast Restoration Mechanism for Virtual Path-Based ATM Networks," by Chao-Ju Hou ("Hou"). Applicants respectfully traverse.

With regard to claim 1, Applicants assert that Hou fails to disclose distributing, to nodes in a network, a first value concerning: (a) total bandwidth

reserved by each link in the network for all active paths currently defined in the network; and a second value concerning (b) total bandwidth reserved by each link in the network for all backup paths currently defined in the network, as recited in claim 1. Instead, Hou discloses in the "Overview of Proposed Fast Restoration Mechanism" section, "Problem 1", that a link load is defined as a sum of bandwidth that is dedicated/reserved over primary/backup Virtual Paths that traverse the link. Under this scenario, a remaining capacity is shown as the difference between a link capacity and the amount of bandwidth already used by all active and backup paths traversing the link. The Applicants note, however, that for each link, as disclosed by Hou, the amount of bandwidth utilized separately by the active and the backup paths is not known. Only the total used bandwidth is known. Hou is silent as to the total bandwidth reserved by each link in the network for all backup paths currently defined in the network. Therefore, Hou cannot disclose or suggest the distributing step of claim 1 and therefore fails to disclose each and every element of claim 1.

With regard to claim 5, Applicants assert that Hou fails to disclose using a maximum total bandwidth reservation among the active links, but instead discloses an active aggregate and backup bandwidth value. Therefore, Hou cannot disclose or suggest the backup links selection step, as recited in claim 5 and therefore Hou fails to disclose each and every element of claim 5.

With regard to claim 6, Applicants assert that claim 6 is allowable at least because it depends from claim 5. Additionally, Applicants assert that Hou fails to disclose a distributing step as disclosed in claim 6 and further discussed in the traverse of claim 1.

With regard to dependent claims 2-4 and 6-10. Applicants assert that claims 2-4 and 6-10 are allowable at least because they depend from one of independent claims 1 and 5, which Applicants assert have been shown to be allowable.

Applicants respectfully request that the art grounds of rejection be withdrawn.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

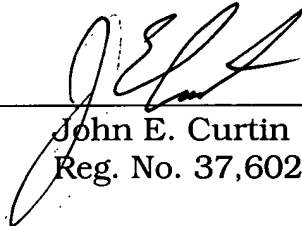
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By



John E. Curtin
Reg. No. 37,602

JEC:RFS/cng

P.O. Box 8910
Reston, VA 20195
(703) 668-8000